

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

WHEATT, et al.)	Case No.: 1:17-cv-00377
)	
Plaintiffs,)	JUDGE JAMES S. GWIN
)	
v.)	<u>MOTION TO QUASH</u>
)	
CITY OF EAST CLEVELAND, et. al.)	
)	
Defendants.)	

Now comes James Kaiser, by and through counsel, and moves the Court for an Order quashing the subpoena issued on or about October 24, 2018 in the above matter. Mr. Kaiser moves to quash the subpoena pursuant to Federal Rules of Civil Procedure, Rule 45(d)(3)(A)(ii) and (iv).

Mr. Kaiser received service of the subpoena on or about October 31, 2018 to appear before the Northern District of Ohio in Cleveland on or about November 13, 2018. Mr. Kaiser is a resident of Lady Lake, Florida as evidence by the service address on the subpoena. Mr. Kaiser did not reside, is not employed and does not conduct business within 100 miles of the Court.

Further, Mr. Kaiser is 75 years old and is unable to travel due to a medical condition. Mr. Kaiser has been certified by a licensed physician as being disabled and was separated from employment due to a disability. Requiring Mr. Kaiser to appear would subject Mr. Kaiser to undue burden and could exacerbate his medical condition.

For the foregoing reasons, Mr. Kaiser moves the Court to quash the subpoena and relieve Mr. Kaiser from appearing in this matter.

Respectfully submitted,

/s/ Daniel J. Leffler

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was sent via the Court's electronic transmission on this 1st day of November, 2018.

/s/ Daniel J. Leffler

Daniel J. Leffler (0076540)